

Order below Exh.01 in Cri.B.A.No.1133/2026**(CNR No. MHNS010034132026)****Ashwini Ashok Chainani****Vs.****State through Mumbai Naka Police station**

This is an application for bail by Ashwini Ashok Chainani in CR No. 163/2026 registered with Mumbai Naka Police station. Charge-sheet has been filed in this matter. This is second bail application. Earlier bail application was rejected. The present application has been filed after charge-sheet was filed in the Court.

2. Heard counsel for the applicant and the APP for State.

3. The criminal law was set into motion by victim who alleged that she was working with TCS. One of the co-accused Raza Memon tried to develop intimacy with her. He used to look at her with a lustful gaze and insist on talking with her. He used to make a sexually coloured remark. The applicant was a member of the POSH committee. The victim had made oral complaints with her however, she did not take action against the co-accused. Her stance emboldened the co-accused to continue with the harassment of the applicant.

4. The bail is *inter alia* sought on two grounds. Firstly, the applicant has submitted that she was occupying her office at Pune. She used to intermittently visit Nashik office if required for work purpose. Since she was at Pune, she was in no way connected with the activities of the co-accused. Moreover, there was no written complaint or e-mail

addressed by the victim to the applicant as required under the procedure. Secondly, the allegations are vague in nature and do not specify the date and time when the complaint was made. Taking his arguments further, the counsel for the accused has submitted that same grievance about the misconduct of the co-accused was flagged with the local team leader as is evident from the FIR. However, those local team leaders have not been arrayed as accused and this would reflect on the pick and choose policy of the Investigating officer. The bail has also been sought on the ground that the accused was first taken into custody at Pune. She was brought to Nashik and served with notice under Section 35 and thereafter she was arrested in violation of the guidelines of the Hon'ble Apex Court.

5. The APP has resisted the bail *inter alia* on the grounds that the offence is of serious nature affecting modesty of woman. The applicant is a member of POSH committee and was legally bound to act on the complaint made by the victim. Her stance that there was no written complaint and not acting on the oral complaint would show her tacit support to the co-accused. The prosecution has strongly resisted the application for bail.

6. On going through the FIR, the role attributed to the applicant is that she did not take cognizance of the oral complaint made by the victim. Being the member of POSH committee, she was duty bound to take action on the complaint. Non performance of the duty was resulted in the co-accused getting bolder and pursuing their harassment. What precipitates is that the only role is not taking cognizance of the complainant. Moreover, the victim has not specified the dates when she had escalated the matter with the applicant. Considering the nature of

offence and the role of the accused, she can be released on bail considering the fact that charge-sheet is filed and there is no apprehension that the applicant would threaten the victim and the prosecution witnesses or that she poses a flight risk. The applicant does not have criminal antecedents. Hence, following order is passed :

ORDER

1. Application is allowed.
2. Accused namely Ashwini Ashok Chainani be released on bail on executing PR and SB of Rs.50,000/- with one surety in like amount in crime No. 163/2026 registered at Mumbai Naka Police Station for commission of offence punishable under Sections 74, 75, 78, 79, 49, 356 read with 3(5) of the B.N.S., 2023.
3. She shall furnish her detailed address with proof and her mobile number.
4. The accused shall not commit offence of similar nature when released on bail.
5. The accused shall not induce or threaten the prosecution witnesses or otherwise tamper with the evidence.
6. Investigation officer/informant is at liberty to move application for cancellation of bail in the event of jumping of any of the conditions of bail by the accused.

Date : 21.07.2026
Place : Nashik

(Amit Vinayak Kharkar)
Additional Sessions Judge-10,
Nashik.

Certified to be true and correct copy of the original signed order.

Name of the Court .. Shri Amit Vinayak Kharkar
Additional Sessions Judge-10, Nashik.

Dictated on .. 21.07.2026

Typed on .. 21.07.2026

Checked on .. 21.07.2026

Signed on .. 21.07.2026